

U.S.S.N. 10/018,325  
Reply to Office Action dated February 25, 2004  
Amendment dated June 1, 2004

**REMARKS**

Claims 1 and 3-35 remain in the application. Claim 2 is canceled and claims 1, 3, 5, 7, 8, 9, 18, 19, 20, 21, 23, 26, 27, 28, 30, and 31 are amended without prejudice or disclaimer of any previously disclosed subject matter. Claims 34-35 are newly added, and no new matter is contained in these amendments.

Applicants submit the present amendments and remarks, and respectfully request reconsideration and allowance of the remaining claims.

**Rejection Under 37 C.F.R. 1.75(c)**

The Examiner rejected claims 20 and 21 under 37 C.F.R. 1.75(c), for being in improper form because a multiple dependent claim cannot be dependent on another multiple dependent claim. Applicants have amended claims 20 and 21 for clarity and thus should address this objection.

The Examiner has additionally objected to claims 3 and 28 for misspelling informalities. In particular, the word “law” in claim 3 should read “low” and the word “multiplayer” should read “multilayer”. Applicants have amended claims 3 and 28 to address these objections.

**Rejection Under 35 U.S.C. § 112**

The Examiner has rejected claim 26 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular the Examiner states that the term “biomolecules” has no antecedent basis.

Regarding claim 26, the term “biomolecules” refers to the preferred embodiment that the crystal template particles consist of biomolecules and the latter are then at least partially

disintegrated. However, Applicants have amended claim 26 to replace “biomolecules” with “bio-crystals” for clarity and to promote prosecution.

Rejection Under 35 U.S.C. § 102(e)

The Examiner has additionally rejected claims 1, 7, 1-9, 22-25 and 27-33 under 35 U.S.C. §102(e) as anticipated by Caruso et al. (U.S. 6,479,146). Applicants respectfully traverse this rejection.

To establish a proper *prima facie* case of anticipation, a single source must contain all of the elements of the claimed invention. The Examiner has acknowledged in the Office Action dated September 3, 2003, on page 2, that the Caruso reference does not teach the crystal particle as required in the instant claims. The Caruso reference consists of colloidal particle core having multiple shells. The Examiner further states that “the colloidal particle does not have the crystal morphology of a crystal core and thus the method of coating colloidal particle core of Caruso does not involve preservation of the crystal morphology of the core. As a result, the method of making coated particles as taught by Caruso does not involve mixing the core particle in a solvent as required in the instant claims.” (Office Action of September 3, 2003, page 2).

In particular, the Caruso reference provides that “suitable template particles may be selected from organic particles, inorganic particles, or any combination thereof. For example, the template particles may be inorganic particles including inorganic structures. In a preferred embodiment, the template particles are selected from organic polymer latices, such as polystyrene or styrene copolymer latices.” (Col. 3, lines 23-26). The reference then characterizes the shape of any of the above mentioned templates may include “crystal structures.” (Col. 5, line 9). Thus,

U.S.S.N. 10/018,325

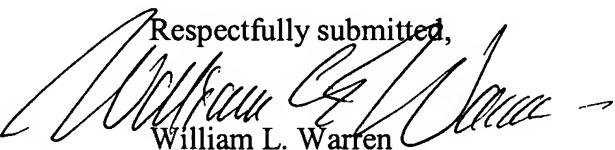
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“crystal structures” as used in the Caruso reference is limited to the shapes of which the template particles can be (e.g. crystal structure of polystyrene), which **does not include** bio-crystals or bio-molecules.

On the other hand “**bio-crystal template particle**” of the instant claims, as amended, includes “crystallized organic compounds and/or particles of crystallized biomolecules (bio-crystals) (including molecules which occur in living organisms and/or which influence the metabolism of living organisms).” (Specification page 5, line 2). The cited Caruso reference does not disclose bio-crystals from biomolecules anywhere in the reference. Thus, the cited reference fails to teach each and every single element of the claimed invention and does not anticipate the instant claims. Applicants respectfully request withdrawal of this rejection.

The Examiner is encouraged to call the undersigned attorney at 404-853-8081 if doing so will facilitate prosecution of the application. The additional fee of \$55.00 is included for a one month Petition for an Extension of Time and are thought sufficient for this matter. However, the Commissioner is hereby authorized to charge any additional fees due or credit any overpayment to Deposit Account 19-5029.

Respectfully submitted,



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